

REMARKS

Petition for Extension of Time Under 37 CFR 1.136(a)

It is hereby requested that the term to respond to the Examiner's Action of February 27, 2006 be extended two months, from May 27, 2006 to July 27, 2006.

Authorization to charge a Credit Card is given to cover the extension fee. The commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 19-5425.

In the Office Action, the Examiner indicated that claims 1-27 are pending in the application and the Examiner rejected all claims.

Claim Rejections, 35 U.S.C. §103

On page 2 of the Office Action, the Examiner rejected claims 1-6 and 8-27 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application No. US 2005/0010494 to Mourad et al. ("Mourad") in view of U.S. Patent Application No. US 2005/0228735 to Duquette ("Duquette").

On page 4 of the Office Action, the Examiner rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable over Mourad in view of Duquette and further in view of U.S. Patent Application No. US 2002/0143655 to Elston et al. ("Elston")

The Present Invention

The present invention is a method, system and computer product for automatically monitoring multiple publicly-searchable, network-accessible databases used to maintain

information relating to web-based commerce sites(e.g., web-based shopping sites, catalogs, auctions, etc.) for acquisition parameters (e.g., prices, rental amounts, etc.) on one or more commodities for a predetermined period of time. Specifically, in the present invention, a user utilizes an agent programmed with a search strategy. Essentially, this agent is a software based search engine that defines its search based upon user set criteria, in this case the acquisition parameters. Once programmed, the agent scans shop-bot sites and/or a set of other publicly searchable databases to see if an item meeting the user's acquisition parameters is available. When a determination is made that the item can be purchased at or below a target price, the agent asynchronously notifies the user (e.g., through a pop-up dialog window or an email) of the details regarding where and how the item can be purchased.

U.S. Patent Application No. US 2005/0010494 to Mourad et al.

U.S. Patent Application No. US 2005/0010494 to Mourad et al. ("Mourad") teaches an internet based method for real time comparisons of prices of online retailers against a set reference price. The reference price is set by a user and is used to establish a meaningful basis for comparison, such as a wholesale price of an item or the lowest historical price of the item. By first building a single private database of information based upon participating retailers, a user can scan in a single location and quickly qualify and quantify the benefits of purchasing from a particular retailer. Once this single private database is constructed, the reference price is used to compare and analyze the prices stored in the database and the results of the analysis are returned to the user. The user can then use these results to see any trends in pricing of an

item and to locate a vendor with the lowest price. The Examiner acknowledges that Mourad does not teach defining a monitoring duration during which acquisition parameters will be monitored.

U.S. Patent Application No. US 2005/0228735 to Duquette

U.S. Patent Application No. US 2005/0228735 to Duquette ("Duquette") teaches a system and method for processing and charting security exchange trading and market information. The charting process shows security traders if currently ongoing transactions originated as buy orders or sell orders, and simultaneously indicates traded quantity. Security exchange trading information is received including price, volume and time of each trade. Market information is also received including bids and offers. The security exchange and market information is processed simultaneously and displayed as a continuously updated real-time chart depicting the exchange auction process. The Examiner relies on Duquette for an alleged teaching of monitoring trading prices for defined/fixed time intervals.

U.S. Patent Application No. US 2002/0143655 to Elston et al.

U.S. Patent Application No. US 2002/0143655 to Elston et al. ("Elston") teaches a remote ordering system suited to mobile customers placing remote orders with any one of a group of affiliated merchants for pick up by the customer at a specific merchant location. The system includes a database which functions as a merchant information directory. This directory includes information which characterizes order-processing features for each

merchant. The information may include fulfillment capability, menus, prices, payment features, taxes, security protocols and system administration privileges specific to an individual merchant location. The system provides an interface to allow a user to pre-order goods from a merchant, pay for the goods automatically, and only physically visit the merchant to receive the actual goods ordered. The Examiner relies on Elston for an alleged teaching of notifying a user by sending an instant message.

The Examiner has not Established a *prima facie* Case of Obviousness

As set forth in the MPEP:

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skilled in the art, to modify the reference or to combine reference teachings.

MPEP 2143

The present invention, as discussed above, provides an interface for a user to input acquisition parameters to be used in searching for online commodities. Once the acquisition parameters have been set, an agent searches multiple public databases of stored information relating to commodities available from numerous online merchants. This searching of multiple online databases is one feature which defines the present invention over the prior art.

Specifically, claim 1 has been amended to read:

“monitoring a plurality of publicly-searchable, network-accessible databases for acquisition parameters for said one or more commodities using said one or more searchable identification parameters;”

Each additional independent claim (claims 10 and 19) has also been amended to include this limitation. This searching of multiple online databases is advantageous over the prior art as no system specific database needs to be created, since the agent has the capability to search any available public database.

Mourad discloses a system and method for online shopping where a single retailer database is constructed. This database contains the information relating to all retailers participating in the system. A user specifies a reference price for an item, and the database is searched. Results are returned to the user showing a comparison of the prices the item is available for from the participating retailers versus the reference price. However, an important and vital feature of the invention of Mourad is the construction and searching of this single database. Unlike the present invention, Mourad is limited to searching only a single, privately constructed database whereas the present invention specifically claims searching multiple public databases.

On page 2 of the Office Action, the Examiner acknowledges that Mourad fails to teach or reasonably suggest defining a monitoring duration during which acquisition parameters will be monitored. The Examiner relies on Duquette to teach this limitation. Duquette is concerned with charting the performance of both security exchange information as well as stock market information. The graphs created by Duquette are based on real time reports received from an exchange monitoring service. Duquette is unconcerned with, and fails to teach or suggest, monitoring multiple public databases to find a user selected commodity using one or more user selected acquisition parameters. However, monitoring multiple public databases to find a user

selected commodity using one or more user selected acquisition parameters is novel, and is explicitly claimed herein.

As shown in the above arguments, neither Mourad nor Duquette, whether considered alone or in combination, teach or reasonably suggest the presently claimed invention. Without such teaching or suggestion, it is improper to reject claims 1-6 and 8-27 under 35 U.S.C. 103 based upon Mourad in view of Duquette. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-6 and 8-27.

On page 4 of the Office Action, the Examiner acknowledges that Mourad in view of Duquette fails to teach or reasonably suggest sending an instant message to a user upon the occurrence of one or more acquisition parameters being met. The Examiner relies on Elston to teach this limitation. Elston is concerned with a remote ordering system for users utilizing mobile communication devices. This system, similar to that of Mourad, uses a single private database for storing merchant information. Elston fails to teach or suggest, monitoring multiple public databases to find a user selected commodity using one or more user selected acquisition parameters. However, monitoring multiple public databases to find a user selected commodity using one or more user selected acquisition parameters is novel, and is explicitly claimed herein.

As shown in the above arguments, neither Mourad, Duquette nor Elston, whether considered alone or in any combination, teach or reasonably suggest the presently claimed invention. Without such teaching or suggestion, it is improper to reject claim 7 under 35 U.S.C. 103 based upon Mourad in view of Duquette and further in view of Elston. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claim 7.


Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 19-5425.

Respectfully submitted

July 27, 2006
Date



John R. Brancolini
Registration No. 57,218

SYNNESTVEDT & LECHNER LLP
2600 ARAMARK Tower
1101 Market Street
Philadelphia, PA 19107

Telephone: (215) 923-4466
Facsimile: (215) 923-2189